



California Environmental Protection Agency
**DEPARTMENT OF TOXIC SUBSTANCES
CONTROL**



BROWNFIELDS INITIATIVES

To help address brownfields in California, the Department of Toxic Substances Control (DTSC) has developed a number of initiatives using a variety of administrative and legislative tools and integrated existing tools within the Site Mitigation and Brownfields Reuse Program.

- **Voluntary Cleanup Program:** Established in 1993, DTSC's Voluntary Cleanup Program allows motivated parties who are able to fund the assessment and/or cleanup and DTSC's oversight to move ahead at their own pace to investigate and remediate their sites. Further information is available at:
http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/Brownfields-VCP_FS.pdf
- **EnviroStor:** The new Site Mitigation and Brownfields Reuse Program database, EnviroStor, is an online search and Geographic Information System tool for identifying sites that have known contamination or sites for which there may be reasons for further investigation. Searches may be conducted by site name, address, city and county or by EnviroStor ID number. Further information is available at:
<http://www.envirostor.dtsc.ca.gov/public/>
- **California Land Reuse and Revitalization Act of 2004 (AB 389):** Provides immunity from liability for response costs or damage claims to qualified innocent landowners, bona fide purchasers or contiguous property owners. The law was amended in 2006 to provide immunity from liability to bona fide ground tenants, provided they meet certain conditions and conduct specified site assessment and cleanup actions. Further information is available at:
http://www.dtsc.ca.gov/SiteCleanup/Brownfields/index.cfm#CP_JUMP_13327
- **Redevelopment Agency Process (Polanco Act -- AB 3193 & SB 1425):** DTSC and the California Redevelopment Association have jointly developed an Environmental Oversight Agreement to facilitate the environmental assessment, cleanup and reuse of brownfields sites by Redevelopment Agencies throughout California. This program establishes a collaborative process that: (1) provides flexibility to address the specific needs of redevelopment agencies; (2) ensures the investigation and cleanup are conducted in an environmentally sound manner and results in a property safe for redevelopment; and (3) provides liability relief for redevelopment agencies that complete the site characterization and cleanup process if the cleanup is conducted in accordance with a remedial action plan approved by DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency. Further information is available at:
http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/BF_FS_EOA_11-04.pdf and
http://www.dtsc.ca.gov/SiteCleanup/Brownfields/index.cfm#CP_JUMP_13297
- **Management Memo #92-4, Approval of a Partial Site Cleanup (April 1992):** Allows issuance of a "clean parcel letter" for sites where a designated portion of the property has been cleaned up. Further information is available at:
http://www.dtsc.ca.gov/LawsRegsPolicies/Policies/SiteCleanup/upload/SMP_POL_92-4.pdf
- **Unified Agency Review of Hazardous Materials Release Sites (Site Designation -- AB 2061):** Established the Site Designation Committee process in 1994 to minimize and/or eliminate the duplication of effort of State and local regulatory agencies involved in the oversight of site cleanups by designating a single "administering agency" to oversee response actions for a site if petitioned by a responsible party. Requires coordination of all State and local agencies with jurisdiction and issuance of a certificate of completion. Further information is available at:
<http://www.calepa.ca.gov/programs/sitedesig/default.htm>
- **Mello-Roos Community Facilities Act Amendments (AB 2610):** Created first long-term financing options for hazardous substances cleanup by empowering Community Facilities Districts to levy special taxes and issue bonds to provide funds for site cleanups. Further information is available at:
http://www.dtsc.ca.gov/SiteCleanup/Brownfields/index.cfm#CP_JUMP_13346
- **Brownfields Targeted Site Investigation Program:** The Targeted Site Investigation (TSI) program is one of the several initiatives funded through a \$1.5 million grant from the United States Environmental Protection Agency.

Brownfields Initiatives

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Government agencies and non-profit organizations involved with redevelopment in California are eligible for funding assistance under this program. Brownfields are properties that may be contaminated and underutilized due to potential remediation costs and liability concerns. DTSC, in collaboration with the RWQCBs, will select a limited number of sites and use TSI funds to perform site investigations at no cost to the applicant. Further information is available at: http://www.dtsc.ca.gov/SiteCleanup/Brownfields/index.cfm#CP_JUMP_13273

- **Prospective Purchaser Policy:** Includes a model Prospective Purchaser Agreement (with covenant not to sue) and eligibility criteria. Further information is available at: http://www.dtsc.ca.gov/SiteCleanup/Brownfields/index.cfm#CP_JUMP_13318
- **Local Agency Oversight of Cleanups (SB 1248):** Allows a responsible party and a local health or environmental health agency to enter into a written agreement for the supervision of the cleanup of a simple waste release. Local agencies are required to notify DTSC and the local RWQCB at least 10 working days prior to entering into a remedial action agreement. Further information is available at: http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/BF_FS_LocalAgency_11-04.pdf
- **California Land Environmental Restoration and Reuse Act (SB 32):** Passed in 2001, SB 32 established a local agency hazardous materials cleanup program. It also required the California Environmental Protection Agency to provide a variety of information related to brownfields cleanups and to develop a set of 54 screening values called California Human Health Screening Levels or CHHSLs for hazardous substances commonly found at brownfields sites. Further information is available at: <http://www.calepa.ca.gov/brownfields/sb32.htm>
- **Hazardous Material Liability of Lenders and Fiduciaries (SB 1285):** Provides limited liability exemption for lenders and fiduciaries for releases of hazardous materials on property in which they have a legal interest, but did not "directly" cause or contribute to the release or potential release of a hazardous substance. Further information is available at: http://www.dtsc.ca.gov/SiteCleanup/Brownfields/index.cfm#CP_JUMP_13318
- **Revolving Loan Fund Program:** DTSC is working with the City of Los Angeles and the Redevelopment Agency of the City and County of San Francisco to establish the coalition referred to as California's Urban and Rural Brownfields (CURB) Coalition. The CURB Coalition, with DTSC as the grant recipient, is seeking to capitalize a Revolving Loan Fund (RLF) Program to provide loans and subgrants to communities within the State to support cleanup activities at contaminated urban and rural brownfields sites. The requested \$2,500,000 for hazardous substances sites and \$500,000 for petroleum sites (for a total of \$3,000,000) will provide loan or subgrant funding for cleanup of a number of brownfields sites over the next five years. The exact number of sites to be supported by this program is dependent upon the amount of funding provided in each loan/subgrant. CURB also anticipates using a portion of the funds to establish a loan guarantee program. Further information is available at: http://www.dtsc.ca.gov/SiteCleanup/Brownfields/index.cfm#CP_JUMP_13273
- **Management Memo #90-11, Responsible Party - Ownership of Property Over Contaminated Ground Water (December 1990):** Ensures owners of property onto which a plume of contaminated groundwater has migrated that they will not become a target of enforcement or cost recovery action solely on the basis of land ownership provided they do not cause or contribute to contamination. Further information is available at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Policies/SiteCleanup/upload/mm-90-011.pdf>

Additional information is also available on Cal/EPA's website at: <http://www.calepa.ca.gov> and on DTSC's website at: <http://www.dtsc.ca.gov>